

AMENDED IN SENATE APRIL 30, 2012

AMENDED IN SENATE APRIL 12, 2012

AMENDED IN SENATE MARCH 26, 2012

SENATE BILL

No. 1183

Introduced by Senator Lieu

February 22, 2012

An act to amend Sections 4980.54~~and~~, 4989.34, 4996.22, and 4999.76 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1183, as amended, Lieu. ~~Marriage and family therapists; clinical social workers; continuing education. Board of Behavioral Sciences: continuing education.~~

Existing law provides for the licensure and regulation of marriage and family therapists~~and~~, *educational psychologists*, clinical social workers, *and professional clinical counselors* by the Board of Behavioral Sciences and imposes continuing education requirements for license renewal. Existing law specifies that certain accredited schools shall be deemed to be approved continuing education providers for these licensees. Existing law requires the board to approve other continuing education providers and authorizes the board to revoke or deny the right of those providers to offer coursework if they fail to comply with specified requirements.

This bill would require continuing education providers other than accredited educational institutions and certain other institutions to be approved by an accrediting organization, and would delete the requirement for the board to approve or revoke those providers. The bill would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4980.54 of the Business and Professions
2 Code is amended to read:
3 4980.54. (a) The Legislature recognizes that the education and
4 experience requirements in this chapter constitute only minimal
5 requirements to assure that an applicant is prepared and qualified
6 to take the licensure examinations as specified in subdivision (d)
7 of Section 4980.40 and, if he or she passes those examinations, to
8 begin practice.
9 (b) In order to continuously improve the competence of licensed
10 marriage and family therapists and as a model for all
11 psychotherapeutic professions, the Legislature encourages all
12 licensees to regularly engage in continuing education related to
13 the profession or scope of practice as defined in this chapter.
14 (c) Except as provided in subdivision (e), the board shall not
15 renew any license pursuant to this chapter unless the applicant
16 certifies to the board, on a form prescribed by the board, that he
17 or she has completed not less than 36 hours of approved continuing
18 education in or relevant to the field of marriage and family therapy
19 in the preceding two years, as determined by the board.
20 (d) The board shall have the right to audit the records of any
21 applicant to verify the completion of the continuing education
22 requirement. Applicants shall maintain records of completion of
23 required continuing education coursework for a minimum of two
24 years and shall make these records available to the board for
25 auditing purposes upon request.
26 (e) The board may establish exceptions from the continuing
27 education requirements of this section for good cause, as defined
28 by the board.
29 (f) The continuing education shall be obtained from one of the
30 following sources:
31 (1) An accredited educational institution that meets the
32 requirements set forth in Section 4980.36 or 4980.37. Nothing in
33 this paragraph shall be construed as requiring coursework to be
34 offered as part of a regular degree program.

(2) Other continuing education providers that are approved by accrediting organizations, including, but not limited to, a professional marriage and family therapist association, a licensed health facility, a governmental entity, a continuing education unit of an accredited four-year institution of higher learning, or a mental health professional association.

(g) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of marriage and family therapy.

(2) Aspects of the discipline of marriage and family therapy in which significant recent developments have occurred.

(3) Aspects of other disciplines that enhance the understanding or the practice of marriage and family therapy.

(h) A system of continuing education for licensed marriage and family therapists shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(i) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For purposes of this subdivision, a provider of continuing education as described in paragraphs (1) and (2) of subdivision (f) shall be deemed to be an approved provider.

(j) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

SEC. 2. Section 4989.34 of the Business and Professions Code is amended to read:

4989.34. (a) To renew his or her license, a licensee shall certify to the board, on a form prescribed by the board, completion in the preceding two years of not less than 36 hours of approved continuing education in, or relevant to, educational psychology.

(b) ~~(1)~~—The continuing education shall be obtained from either an accredited university or a continuing education provider *that is approved by the board* ~~an accrediting organization~~.

~~(2) The board shall establish, by regulation, a procedure for approving providers of continuing education courses, and all providers of continuing education shall comply with procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with the requirements of this section or any regulation adopted pursuant to this section.~~

(c) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of educational psychology.

(2) Aspects of the discipline of educational psychology in which significant recent developments have occurred.

(3) Aspects of other disciplines that enhance the understanding or the practice of educational psychology.

(d) The board may audit the records of a licensee to verify completion of the continuing education requirement. A licensee shall maintain records of the completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon its request.

(e) The board may establish exceptions from the continuing education requirements of this section for good cause, as determined by the board.

(f) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The amount of the fees shall be sufficient to meet, but shall not exceed, the costs of administering this section.

(g) The continuing education requirements of this section shall comply fully with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

~~SEC. 2.~~

SEC. 3. Section 4996.22 of the Business and Professions Code is amended to read:

4996.22. (a) (1) Except as provided in subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of

1 approved continuing education in or relevant to the field of social
2 work in the preceding two years, as determined by the board.

3 (2) The board shall not renew any license of an applicant who
4 began graduate study prior to January 1, 2004, pursuant to this
5 chapter unless the applicant certifies to the board that during the
6 applicant's first renewal period after the operative date of this
7 section, he or she completed a continuing education course in
8 spousal or partner abuse assessment, detection, and intervention
9 strategies, including community resources, cultural factors, and
10 same gender abuse dynamics. On and after January 1, 2005, the
11 course shall consist of not less than seven hours of training.
12 Equivalent courses in spousal or partner abuse assessment,
13 detection, and intervention strategies taken prior to the operative
14 date of this section or proof of equivalent teaching or practice
15 experience may be submitted to the board and at its discretion,
16 may be accepted in satisfaction of this requirement. Continuing
17 education courses taken pursuant to this paragraph shall be applied
18 to the 36 hours of approved continuing education required under
19 paragraph (1).

20 (b) The board shall have the right to audit the records of any
21 applicant to verify the completion of the continuing education
22 requirement. Applicants shall maintain records of completion of
23 required continuing education coursework for a minimum of two
24 years and shall make these records available to the board for
25 auditing purposes upon request.

26 (c) The board may establish exceptions from the continuing
27 education requirement of this section for good cause as defined
28 by the board.

29 (d) The continuing education shall be obtained from one of the
30 following sources:

31 (1) An accredited school of social work, as defined in Section
32 4991.2, or a school or department of social work that is a candidate
33 for accreditation by the Commission on Accreditation of the
34 Council on Social Work Education. Nothing in this paragraph shall
35 be construed as requiring coursework to be offered as part of a
36 regular degree program.

37 (2) Other continuing education providers that are approved by
38 accrediting organizations, including, but not limited to, a
39 professional social work association, a licensed health facility, a
40 governmental entity, a continuing education unit of an accredited

1 four-year institution of higher learning, and a mental health
2 professional association.

3 (e) Training, education, and coursework by approved providers
4 shall incorporate one or more of the following:

5 (1) Aspects of the discipline that are fundamental to the
6 understanding, or the practice, of social work.

7 (2) Aspects of the social work discipline in which significant
8 recent developments have occurred.

9 (3) Aspects of other related disciplines that enhance the
10 understanding, or the practice, of social work.

11 (f) A system of continuing education for licensed clinical social
12 workers shall include courses directly related to the diagnosis,
13 assessment, and treatment of the client population being served.

14 (g) The continuing education requirements of this section shall
15 comply fully with the guidelines for mandatory continuing
16 education established by the Department of Consumer Affairs
17 pursuant to Section 166.

18 (h) The board may adopt regulations as necessary to implement
19 this section.

20 (i) The board shall, by regulation, fund the administration of
21 this section through continuing education provider fees to be
22 deposited in the Behavioral Science Examiners Fund. The fees
23 related to the administration of this section shall be sufficient to
24 meet, but shall not exceed, the costs of administering the
25 corresponding provisions of this section. For purposes of this
26 subdivision, a provider of continuing education as described in
27 paragraphs (1) and (2) of subdivision (d) shall be deemed to be an
28 approved provider.

29 *SEC. 4. Section 4999.76 of the Business and Professions Code*
30 *is amended to read:*

31 4999.76. (a) (1) Except as provided in paragraph (2) and
32 subdivision (c), the board shall not renew any license pursuant to
33 this chapter unless the applicant certifies to the board, on a form
34 prescribed by the board, that he or she has completed not less than
35 36 hours of approved continuing education in or relevant to the
36 field of professional clinical counseling in the preceding two years,
37 as determined by the board.

38 (2) Except as provided in subdivision (c), the board shall not
39 renew a license issued pursuant to paragraph (1) of subdivision
40 (a) of Section 4999.54 unless the applicant certifies to the board,

1 on a form prescribed by the board, that he or she has completed
2 not less than 18 hours of approved continuing education in or
3 relevant to the field of professional clinical counseling in the
4 preceding year, as determined by the board. This paragraph shall
5 become inoperative on January 1, 2018.

6 (b) The board shall have the right to audit the records of any
7 applicant to verify the completion of the continuing education
8 requirement. Applicants shall maintain records of completed
9 continuing education coursework for a minimum of two years and
10 shall make these records available to the board for auditing
11 purposes upon request.

12 (c) The board may establish exceptions from the continuing
13 education requirement of this section for good cause, as defined
14 by the board.

15 (d) The continuing education shall be obtained from one of the
16 following sources:

17 (1) A school, college, or university that is accredited or
18 approved, as defined in Section 4999.12. Nothing in this paragraph
19 shall be construed as requiring coursework to be offered as part
20 of a regular degree program.

21 (2) Other continuing education providers *that are approved by*
22 *accrediting organizations*, including, but not limited to, a
23 professional clinical counseling association, a licensed health
24 facility, a governmental entity, a continuing education unit of a
25 four-year institution of higher learning that is accredited or
26 approved, or a mental health professional association, ~~approved~~
27 ~~by the board.~~

28 ~~(e) The board shall establish, by regulation, a procedure for~~
29 ~~approving providers of continuing education courses, and all~~
30 ~~providers of continuing education, as described in paragraphs (1)~~
31 ~~and (2) of subdivision (d), shall adhere to procedures established~~
32 ~~by the board. The board may revoke or deny the right of a provider~~
33 ~~to offer continuing education coursework pursuant to this section~~
34 ~~for failure to comply with the requirements of this section or any~~
35 ~~regulation adopted pursuant to this section.~~

36 ~~(f)~~

37 (e) Training, education, and coursework by approved providers
38 shall incorporate one or more of the following:

39 (1) Aspects of the discipline that are fundamental to the
40 understanding or the practice of professional clinical counseling.

1 (2) Significant recent developments in the discipline of
2 professional clinical counseling.

3 (3) Aspects of other disciplines that enhance the understanding
4 or the practice of professional clinical counseling.

5 ~~(g)~~

6 (f) A system of continuing education for licensed professional
7 clinical counselors shall include courses directly related to the
8 diagnosis, assessment, and treatment of the client population being
9 served.

10 ~~(h)~~

11 (g) The board shall, by regulation, fund the administration of
12 this section through continuing education provider fees to be
13 deposited in the Behavioral Sciences Fund. The fees related to the
14 administration of this section shall be sufficient to meet, but shall
15 not exceed, the costs of administering the corresponding provisions
16 of this section. For the purposes of this subdivision, a provider of
17 continuing education as described in ~~paragraph~~ *paragraphs* (1)
18 *and* (2) of subdivision (d) shall be deemed to be an approved
19 provider.

20 ~~(i)~~

21 (h) The continuing education requirements of this section shall
22 fully comply with the guidelines for mandatory continuing
23 education established by the Department of Consumer Affairs
24 pursuant to Section 166.